IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 30956 of 2005(I)

AGAINST THE ORDER IN IA.795/05 & 835/05 IN OS.142/2000 of MUNSIFF COURT, SASTHAMCOTTA
.....

PETITIONER:

G.SREEKUMAR, VIJAYA BHAVAN,
SOORANADU NORTH P.O. KOLLAM.

BY ADV. SRI.G.UNNIKRISHNON

RESPONDENTS:
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1. O.K.KHALUDEEN, MUMTHAS MANZIL,
THEKKEMURI, SOORANADU NORTH, KOLLAM.

2. JAMEELA BEEVI, JAMEELA MANZIL,
THEKKE MURI, SOORANADU NORTH, KOLLAM.

R1 AND R2 BY ADV. SRI.T.SAJI
SRI.A.SHANAVAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 30956/2005 I

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE IA NO. 638/2001 DT.18/8/01 IN OS NO. 142/01 FILED BY THE PETITIONER.

EXT.P2. COPY OF THE ATTACHMENT SCHEDULE IN IA NO. 638/01.

EXT.P3. COPY OF THE IA NO. 835/01 DT. 25/08/05 BY R1.

EXT.P4. COPY OF THE IA NO. 795/05 DT. 25/08/05 FILED BY IIND RESP.

EXT.P5. COPY OF THE OBJECTION FILED BY THE PETITIONER.

EXT.P6. COPY OF THE ORDER DT. 27/09/2005 IN IA NO. 835/05.

EXT.P7. COPY OF THE ORDER DT. 27/09/05 IN IA NO. 795/05.

True copy

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PIUS C. KURIAKOSE,J.

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W.P.(C) No.30956 of 2005

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Dated: 27th June, 2007

JUDGMENT

The plaintiff in a suit for money is aggrieved by Exts.P6 and P7 orders respectively lifting the order of attachment which had already been made absolute and accepting the security offered by the 2nd respondent who is the sister of the 1st respondent-defendant.

2. Ext.P5 is the objection submitted by the petitioner before the court below regarding the sufficiency of the security. The grievance is that it was without adverting to the objections at all that the learned Munsiff allowed the applications filed by the respondents.

3. Having regard to the submissions addressed before me, I am inclined to agree with the learned counsel for the petitioner that Ext.P6 and particularly Ext.P7 are non-speaking orders. There is no reference at all to the objections filed by the petitioner. On the above reasons, those orders are liable to be set aside.

4. The result is that Exts.P6 and P7 orders are set aside. The court below is directed to pass fresh orders on the two I.As. after hearing both sides and after considering the objections raised. Speaking orders will be passed by the learned Munsiff on both the applications at the earliest and at any rate within one month of

receiving copy of this judgment. The order of stay presently passed by this court will continue till such time as speaking orders are passed.

The Writ Petition is allowed as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**